

SENATE BILL 542

P1

5lr1347

By: Senators Lee, Edwards, Feldman, Guzzone, Montgomery, ~~and Ramirez~~
Ramirez, Middleton, Astle, Benson, Hershey, Jennings, Kelley, Klausmeier,
Mathias, Pugh, and Reilly

Introduced and read first time: February 6, 2015

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2015

CHAPTER _____

1 AN ACT concerning

2 **Maryland Cybersecurity Council – Establishment**

3 FOR the purpose of establishing the Maryland Cybersecurity Council; providing for the
4 composition, chair, and staffing of the Council; prohibiting a member of the Council
5 from receiving certain compensation, but authorizing the reimbursement of certain
6 expenses; requiring the Council to work with certain entities to take certain actions
7 related to cybersecurity; requiring the Council, beginning on a certain date and every
8 certain number of years thereafter, to submit a report on its activities to the General
9 Assembly; defining certain terms; requiring the Council to submit a report on its
10 initial activities on or before a certain date; and generally relating to the Maryland
11 Cybersecurity Council.

12 BY adding to

13 Article – State Government

14 Section 9–2901 to be under the new subtitle “Subtitle 29. Maryland Cybersecurity
15 Council”

16 Annotated Code of Maryland

17 (2014 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – State Government**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **SUBTITLE 29. MARYLAND CYBERSECURITY COUNCIL.**

2 **9-2901.**

3 **(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(2) "COUNCIL" MEANS THE MARYLAND CYBERSECURITY COUNCIL.**

6 **(3) "EXECUTIVE ORDER" MEANS EXECUTIVE ORDER 13636 OF THE**
7 **PRESIDENT OF THE UNITED STATES.**

8 **(B) THERE IS A MARYLAND CYBERSECURITY COUNCIL.**

9 **(C) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:**

10 **(1) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S**
11 **DESIGNEE;**

12 **(2) THE SECRETARY OF INFORMATION TECHNOLOGY, OR THE**
13 **SECRETARY'S DESIGNEE;**

14 **(3) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S**
15 **DESIGNEE;**

16 **(4) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT,**
17 **OR THE SECRETARY'S DESIGNEE;**

18 **(5) THE DIRECTOR OF THE MARYLAND COORDINATION AND**
19 **ANALYSIS CENTER, OR THE DIRECTOR'S DESIGNEE;**

20 ~~**(5)**~~ **(6) THE EXECUTIVE DIRECTOR OF THE MARYLAND**
21 **EMERGENCY MANAGEMENT AGENCY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

22 ~~**(6)**~~ **(7) THE EXECUTIVE DIRECTOR OF THE MARYLAND**
23 **TECHNOLOGY DEVELOPMENT CORPORATION, OR THE EXECUTIVE DIRECTOR'S**
24 **DESIGNEE;**

25 ~~**(7)**~~ **(8) THE CHAIR OF THE TECH COUNCIL OF MARYLAND, OR THE**
26 **CHAIR'S DESIGNEE;**

27 ~~**(8)**~~ **(9) THE PRESIDENT OF THE FORT MEADE ALLIANCE, OR THE**
28 **PRESIDENT'S DESIGNEE;**

1 **(10) THE PRESIDENT OF THE ARMY ALLIANCE, OR THE PRESIDENT'S**
2 **DESIGNEE; AND**

3 ~~(9)~~ **(11)** THE FOLLOWING MEMBERS APPOINTED BY THE ATTORNEY
4 **GENERAL:**

5 **(I) FIVE REPRESENTATIVES OF CYBERSECURITY COMPANIES**
6 **LOCATED IN THE STATE, WITH AT LEAST THREE REPRESENTING CYBERSECURITY**
7 **COMPANIES WITH 50 OR FEWER EMPLOYEES;**

8 **(II) FOUR REPRESENTATIVES FROM STATEWIDE OR REGIONAL**
9 **BUSINESS ASSOCIATIONS;**

10 **(III) ~~SIX~~ UP TO TEN REPRESENTATIVES FROM INSTITUTIONS OF**
11 **HIGHER EDUCATION LOCATED IN THE STATE;**

12 **(IV) ONE REPRESENTATIVE OF A CRIME VICTIMS**
13 **ORGANIZATION;**

14 **(V) FOUR REPRESENTATIVES FROM INDUSTRIES THAT MAY BE**
15 **SUSCEPTIBLE TO ATTACKS ON CYBERSECURITY, INCLUDING AT LEAST ONE**
16 **REPRESENTATIVE OF A BANK, WHETHER OR NOT STATE-CHARTERED, THAT HAS A**
17 **BRANCH IN THE STATE; AND**

18 **(VI) TWO REPRESENTATIVES OF ORGANIZATIONS THAT HAVE**
19 **EXPERTISE IN ELECTRONIC HEALTH CARE RECORDS; AND**

20 **(VII) ANY OTHER STAKEHOLDER THAT THE ATTORNEY GENERAL**
21 **DETERMINES APPROPRIATE.**

22 **(D) THE PRESIDENT OF THE SENATE MAY APPOINT UP TO TWO MEMBERS**
23 **OF THE SENATE TO SERVE ON THE COUNCIL.**

24 **(E) THE SPEAKER OF THE HOUSE OF DELEGATES MAY APPOINT UP TO TWO**
25 **MEMBERS OF THE HOUSE TO SERVE ON COUNCIL.**

26 **(F) THE ATTORNEY GENERAL ALSO SHALL INVITE, AS APPROPRIATE, THE**
27 **FOLLOWING REPRESENTATIVES OF FEDERAL AGENCIES TO SERVE ON THE**
28 **COUNCIL:**

29 **(1) THE DIRECTOR OF THE NATIONAL SECURITY AGENCY, OR THE**
30 **DIRECTOR'S DESIGNEE;**

1 (2) THE SECRETARY OF HOMELAND SECURITY, OR THE SECRETARY'S
2 DESIGNEE;

3 (3) THE DIRECTOR OF THE DEFENSE INFORMATION SYSTEMS
4 AGENCY, OR THE DIRECTOR'S DESIGNEE; ~~AND~~

5 (4) THE DIRECTOR OF THE INTELLIGENCE ADVANCED RESEARCH
6 PROJECTS ACTIVITY, OR THE DIRECTOR'S DESIGNEE; AND

7 (5) ANY OTHER FEDERAL AGENCY THAT THE ATTORNEY GENERAL
8 DETERMINES APPROPRIATE.

9 (G) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE,
10 SHALL CHAIR THE COUNCIL.

11 (H) THE UNIVERSITY OF MARYLAND, UNIVERSITY COLLEGE SHALL
12 PROVIDE STAFF FOR THE COUNCIL.

13 (I) A MEMBER OF THE COUNCIL:

14 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
15 COUNCIL; BUT

16 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
17 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

18 (J) THE COUNCIL SHALL WORK WITH THE NATIONAL INSTITUTE OF
19 STANDARDS AND TECHNOLOGY AND OTHER FEDERAL AGENCIES, PRIVATE SECTOR
20 BUSINESSES, AND PRIVATE CYBERSECURITY EXPERTS TO:

21 (1) FOR CRITICAL INFRASTRUCTURE NOT COVERED BY FEDERAL LAW
22 OR THE EXECUTIVE ORDER, REVIEW AND CONDUCT RISK ASSESSMENTS TO
23 DETERMINE WHICH LOCAL INFRASTRUCTURE SECTORS ARE AT THE GREATEST RISK
24 OF CYBER ATTACKS AND NEED THE MOST ENHANCED CYBERSECURITY MEASURES;

25 (2) USE FEDERAL GUIDANCE TO IDENTIFY CATEGORIES OF CRITICAL
26 INFRASTRUCTURE AS CRITICAL CYBER INFRASTRUCTURE IF CYBER DAMAGE OR
27 UNAUTHORIZED CYBER ACCESS TO THE INFRASTRUCTURE COULD REASONABLY
28 RESULT IN CATASTROPHIC CONSEQUENCES, INCLUDING:

29 (I) INTERRUPTION IN THE PROVISION OF ENERGY, WATER,
30 TRANSPORTATION, EMERGENCY SERVICES, FOOD, OR OTHER LIFE-SUSTAINING
31 SERVICES SUFFICIENT TO CAUSE A MASS CASUALTY EVENT OR MASS EVACUATIONS;

1 (II) CATASTROPHIC ECONOMIC DAMAGE; OR

2 (III) SEVERE DEGRADATION OF STATE OR NATIONAL SECURITY;

3 (3) ASSIST INFRASTRUCTURE ENTITIES THAT ARE NOT COVERED BY
4 THE EXECUTIVE ORDER IN COMPLYING WITH FEDERAL CYBERSECURITY GUIDANCE;

5 (4) ASSIST PRIVATE SECTOR CYBERSECURITY BUSINESSES IN
6 ADOPTING, ADAPTING, AND IMPLEMENTING THE NATIONAL INSTITUTE OF
7 STANDARDS AND TECHNOLOGY CYBERSECURITY FRAMEWORK OF STANDARDS AND
8 PRACTICES;

9 (5) EXAMINE INCONSISTENCIES BETWEEN STATE AND FEDERAL LAWS
10 REGARDING CYBERSECURITY;

11 (6) RECOMMENDED A COMPREHENSIVE STATE STRATEGIC PLAN TO
12 ENSURE A COORDINATED AND ADAPTABLE RESPONSE TO AND RECOVERY FROM
13 CYBERSECURITY ATTACKS; AND

14 (7) RECOMMEND ANY LEGISLATIVE CHANGES CONSIDERED
15 NECESSARY BY THE COUNCIL TO ADDRESS CYBERSECURITY ISSUES.

16 (K) BEGINNING JULY 1, 2017, AND EVERY 2 YEARS THEREAFTER, THE
17 COUNCIL SHALL SUBMIT A REPORT OF ITS ACTIVITIES TO THE GENERAL ASSEMBLY
18 IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2016, the
20 Maryland Cybersecurity Council established under Section 1 of this Act shall submit a
21 report of its initial activities to the General Assembly in accordance with § 2-1246 of the
22 State Government Article.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.